REMARKS/ARGUMENTS

These amendments and remarks are in response to the Office Action dated March 8, 2005. Claims 1-54 are pending in the present application. Claims 1, 2, 5, 6, 8, 9, 11-14, 18-21, 31, 34, 35, 37, 38, 40-44, and 46-53 have been amended. Accordingly, claims 1-54 remain pending.

Amended Claims

Applicants have amended the claims to clarify the present invention. In particular, independent claims 1, 21, 34, 41 and 44 were amended to recite that each wireless communication device is enabled to "transmit data directly to and receive data directly from other enabled wireless devices over a wireless personal area network" (Specification, page 6, lines 17-21), and that each wireless device "is a client device associated with a user" (Spec., page 5, line 17 to page 6, line 3 and FIG. 1). In addition, independent claims 1, 21, 34, and 44 were amended to recite "transmitting the request directly from the first wireless device to other wireless devices over the wireless personal area network such that the users associated with each of the other wireless devices are notified of the request." Support is provided in the Specification at page 7, line 22 to page 8, line 23. Accordingly, no new matter is presented.

Claims 2, 31 and 40 were amended to replace the reference to "Bluetooth enabled devices" with "a transceiver that is compatible with IEEE 802.15 open standards for communication over a wireless personal area network." Support is provided in the Specification at page 6, lines 17-19.

Claims 8 and 47 were amended to recite that transmitting the request includes "modifying the request . . . if the user of the enabled wireless device receiving the request is not interested in

completing the transaction." Support is provided in the Specification at page 9, lines 9-11. Accordingly, no new matter has been presented.

Finally, claims 5, 6, 9, 11-14, 18-20, 35, 37, 38, 42, 43, 46, 48- 53 were amended simply to clarify confusing language, to correct typographical errors, or to provide proper numbering. No new matter was presented.

Claim Rejections

1. 35 U.S.C. §112

Claims 2, 31 and 40 were rejected because of the reference to "Bluetooth" technology. Applicants have amended claims 2, 31 and 30 as stated above to specify the standard IEEE protocol (e.g., 802.15) that is commonly referred to as the Bluetooth protocol. Accordingly, claims 2, 31 and 40, as amended, comply with 35 U.S.C. §112, 2nd paragraph.

Claims 37-39 were rejected because claim 37 recited a recursively defined limitation. Applicants have amended claim 37 to remedy this problem. Applicants respectfully submit that claims 37-39 now comply with 35 U.S.C. §112, 2nd paragraph.

2. 35 U.S.C. §103

In the Office Action, the Examiner rejected claims 1, 3-30, 32-36, and 41-54 under 35 U.S.C. §103(a) as being unpatentable over "Ebay for Dummies" and Arnold et al. (U.S. Patent No. 5,905,719). Ebay provides an online auction service for subscribers who wish to bid on or auction-off items over the Internet. In Ebay, subscribers submit items for sale to Ebay's central servers, which then post the items on its website. Potential buyers enter Ebay's website to find items they might be interested in buying, and if interested, submit bids to purchase the item. Ebay coordinates the bidding among multiple bidders and then completes the transaction when the bidding is over. Arnold provides a network system architecture for allowing subscribers

wireless access to the Internet via their computer systems. In Arnold, the computer system wirelessly transmits signals to a base station, which is wired to an internet access point. The internet access point is connected to the Internet. (FIG. 1, column 4, lines 3-17).

The combination of EBay and Arnold allows subscribers using wireless computer systems to access the Internet to use Ebay. Applicants respectfully submit that Ebay and Arnold fail to teach or suggest the present invention as recited in claims 1-54.

The present invention is directed to brokering a transaction between a plurality of users of wireless communication devices, such as PDAs, laptops and cell phones. According to the present invention, each wireless communication device is enabled to transmit data directly to and receive data directly from other similarly enabled wireless devices over a wireless personal area network (WPAN). For example, each device can include a transceiver that is capable of transmitting and receiving data over a WPAN using the IEEE 802.15 data transmission protocol. (Specification, page 6, lines 17-21). Thus, such wireless devices can exchange data directly with one another without an external network if the devices are within range of one another.

According to the present invention, instead of posting a request to sell or buy an item on a central website, such as Ebay, the requestor/user enters the request into his or her enabled wireless device. To distribute the request to potentially interested users, the request is transmitted directly from the requestor's device to other enabled wireless devices over a WPAN so that the users associated with each of the other devices are notified of the request. (Spec., page 7, line 22 to page 8, line 6). If a user is interested in buying or selling the item requested, i.e., the user is interested in completing the transaction, the user sends a response to a third party facilitator, which then coordinates the transaction. (Spec., page 10, line 18 to page 11, line 8).

In one aspect, the request is a transaction record that includes an item description, its price, and identifying information for the requestor/user. (Spec., page 7, lines 10-20). If a user

of a wireless device receiving the request is *not* interested in the request, the request is modified by, among other things, concealing the identifying information of the user of the device from which the request was received. (Spec., page 9, lines 18-20). In this case, the identifying information of the requestor/user is concealed. The receiving device then transmits the modified request to another group of wireless devices over its WPAN. (Spec., page 10, lines 4-6). This process repeats itself until a user interested in completing the transaction sends a response to the facilitator. (Spec., page 10, lines 18-19). By concealing the identifying information, the receiving devices ensure that they will be compensated for their role as a broker in finding a user interested in completing the transaction.

According to the present invention, each wireless communication device can support one or more of the following roles: a buyer, a seller, or a broker. As a buyer, the wireless communication device is seeking a particular object to purchase for a predetermined price; as a seller, the wireless communication device is selling an object for a particular price; and as a broker, the wireless communication device is neither selling nor buying an object, but informing other wireless communication devices of an object being sought or sold for a fee. As the wireless device comes within range of other similarly equipped devices, the devices exchange requests thereby disseminating requests seamlessly and transparently. Accordingly, the owner of a wireless communication device can distribute his or her buying and selling requests to a broad community, which grows exponentially, and/or earn money as a broker merely by carrying his or her device.

Independent Claims 1, 21, 34, 41 and 44

For ease of reference, independent claims 1, 21, 34, 41 and 44 are provided below.

> 1. A method for brokering a transaction between a plurality of wireless communication devices, comprising the steps of:
>
> a) enabling each wireless device to transmit data directly to and receive data directly from other similarly enabled wireless devices over a wireless personal area network, wherein each wireless device is a client device associated with a user;

b) entering a request related to an object to be brokered into a first enabled wireless device;

c) transmitting the request directly from the first wireless device to other wireless devices over the wireless personal area network such that the users associated with each of the other enabled wireless devices are notified of the request;

d) receiving a response to the request by a third party facilitator from a user of a wireless device interested in completing the transaction; and

e) completing the transaction by the third party facilitator.

21. A system for brokering a transaction between a plurality of wireless communication devices comprising:

a first wireless device enabled to transmit data directly to and receive data directly from other enabled wireless devices over a wireless personal area network, wherein each of the first and the other enabled wireless devices is a client device associated with a user; and

a third party facilitator accessible to the user of the first wireless device and users of the plurality of enabled wireless devices after registration via a network;

wherein a request related to an object to be brokered is entered by the user into the first wireless device and transmitted directly from the first wireless device to other enabled wireless devices over the wireless personal area network such that the users associated with each of the other wireless devices are notified of the request; wherein the user of one of the other wireless devices submits a response to the third party facilitator if the user is interested in completing the transaction, and the third party facilitator completes the transaction between the interested user and the user of the first wireless device.

34. A method for brokering a transaction using a plurality of wireless devices comprising the steps of:

a) enabling a first wireless device to automatically transmit data directly to and receive data directly from other enabled wireless devices over a wireless personal area network, wherein each of the first and the other wireless devices is a client device associated with a user;

b) entering a request related to an object to be brokered into the first wireless device;

c) transmitting the request from the first wireless device directly to other wireless devices over the wireless personal area network such that the users associated with each of the other wireless devices are notified of the request;

d) responding to the request by a user interested in completing the transaction by submitting a response to a third party facilitator; and

e) completing the transaction by the third party facilitator.

41. A method for facilitating a brokered transaction between a plurality of wireless communication devices, wherein the plurality of wireless communication devices includes a seller device and a buyer device, the method comprising the steps of:

a) enabling each wireless communication device to transmit data directly to and receive data directly from other similarly enabled wireless communication devices over a wireless personal area network, wherein each wireless communication device is a client device associated with a user;

b) providing a plurality of broker devices of the plurality of wireless communication devices that disseminate an offer for sale of an item propagated by a user of the seller device;

c) receiving in a facilitator a response from a user of the buyer device to the offer for sale received from at least two of the broker devices, the response including a final transaction record, wherein the final transaction record includes encrypted identifying information for all but one user of the at least two broker devices, encrypted identifying information for the user of the seller device, and identifying information for a user of one broker device;

d) decoding the encrypted identifying information; and

e) completing the transaction between the users of the at least two broker devices, the seller device, and the buyer device.

44. A computer readable medium containing program instructions for brokering a transaction between a plurality of wireless communication devices, the instructions for:

a) enabling a first wireless device to transmit data directly to and receive data directly from other enabled wireless devices over a wireless personal area network, wherein each of the first and the other wireless devices is a client device associated with a user;

b) entering a request related to an object to be brokered into the first wireless device;

c) transmitting the request directly from the first wireless device to other enabled wireless devices over the wireless personal area network such that the users associated with each of the other enabled wireless devices are notified of the request;

d) receiving a response to the request by a third party facilitator from a user of one wireless device interested in completing the transaction; and

e) completing the transaction by the third party facilitator.

Applicants respectfully submit that Ebay and Arnold fail to teach or suggest the cooperation of elements recited in claims 1, 21, 34, 41 and 44. In particular, the references fail to teach or suggest wireless communication devices that are enabled "to transmit data *directly* to and receive data *directly* from other enabled wireless devices over a wireless personal area network, wherein each wireless device is a client device associated with a user." In Arnold, the computer system 2 uses a wireless modem to transmit data to a base station, which then relays the data to the internet access point via a T1 line. The internet access point is connected to the

Internet. (Column 4, lines 3-19). Accordingly, in order for the computer system to transmit or receive data from other computer systems, data is transmitted to and from the base station, through the internet access point via T1 line, and through the Internet. Nothing in Arnold teaches or suggests enabling the computer system "to transmit data *directly* to and receive data *directly* from other enabled wireless devices over a wireless personal area network."

In the Office Action, the Examiner asserts that Arnold's base stations and internet access point are "other enabled wireless devices" and that the base stations receive and transmit data to and from the computer system over a wireless communication channel. Each component, however, is not a "client device associated with a user." In Arnold, the base station connects devices to the Internet. It is not associated with a particular user. Accordingly, the base stations are not analogous to the enabled wireless devices of the present invention.

Furthermore, the references fail to teach or suggest transmitting a request "*directly* from the first wireless device to other wireless devices over the wireless personal area network such that the users associated with each of the other enabled wireless devices are notified of the request," as recited in claims 1, 21, 34 and 44. In Ebay, potential buyers/sellers become aware of requests by going to the Ebay website and browsing through various item lists. Potential buyers do not receive requests *directly from* sellers over a wireless personal area network via their respective wireless devices.

Finally, with regard to claim 41, Applicants respectfully submit that the references fail to teach or suggest "providing a plurality of broker devices of the plurality of wireless communication devices that disseminate an offer for sale of an item propagated by a user of the seller device." In Ebay, distribution of the request is centralized, i.e., the request is published through one source. In the present invention, distribution of the request is decentralized in that the request is transmitted through many sources, e.g., broker devices, as opposed to just one

source. The users associated with the broker devices are not interested in completing the transaction. Rather, they disseminate the request to more potential buyers/sellers and collect a fee if they play a role in locating a buyer/seller. In Ebay, while many potential buyers/sellers might consider a request, disinterested buyers/sellers generally ignore the request and move to the next item. Nothing teaches or suggests that disinterested buyers/sellers become brokers "that disseminate an offer for sale of an item propagated by a user of the seller device."

In addition, the references fail to teach or suggest "receiving in a facilitator a response from a user of the buyer device . . . [that] includes encrypted identifying information for all but one user of the at least two broker devices, encrypted identifying information for the user of the seller device, and identifying information for a user of one broker device," as recited in claim 41. In the present invention, the facilitator receives a response *from the user of the buyer device* (buyer). The response includes the identifying information for the seller and each of the broker devices. All of the identifying information, except for that of one broker device, is encrypted. This is done to ensure that each broker is paid its fee. If this information were not encrypted, the buyer could contact the seller directly and cut-out the brokers. Ebay makes no mention or suggestion of receiving from the buyer a response that includes this encrypted seller and broker information.

In the Office Action, the Examiner asserts that the response from the buyer includes credit card information that is encrypted through SSL. (Ebay for Dummies, p. 281-282). Only the credit card information for the buyer is encrypted. Nothing teaches or suggests encrypting identifying information for brokers or the seller.

Based on the foregoing, Applicants respectfully submit that EBay and Arnold fail to teach or suggest the cooperation of elements recited in claims 1, 21, 34, 41 and 44. Thus, claims 1, 21, 34, 41 and 44 are allowable over the cited references. Claims 2-20, 22-33, 35-40, 42, 43, and 45-

54 depend from allowable base claims and the arguments submitted above apply with equal force. Accordingly, Applicants respectfully submit that the dependent claims are also allowable over the cited references.

Dependent Claims

Applicants respectfully submit that most of the dependent claims are allowable over the cited references for reasons in addition to those discussed above relating to the base claims. For example, claims 8, 10, 22-25, 35, 36, 47, and 48 are directed to how the request is modified by wireless devices associated with users *who are not interested* in completing the transaction, i.e., disinterested users. In the present invention, such disinterested users become brokers. The brokers modify the request to preserve their broker fees and then transmit the modified request to another group of wireless devices. In Ebay, *disinterested* buyers simply ignore items they do not want and go to the next item. Disinterested buyers do not become brokers, nor do they modify the request in any way. Only *interested* buyers place bids to change the price of the item. Accordingly, Applicants respectfully submit that claims 8, 10, 22-25, 35, 36, 47, and 48 are allowable over the cited references.

Moreover, claims 13-15, 27-29, 42, and 50-52 are directed to the final transaction record and how the encrypted identifying information in the final transaction record is decoded. In the present invention, the final transaction record includes identifying information of the seller and of each of the brokers. The identifying information of the seller and of each of the brokers, save one, is encrypted. When the final transaction record is received by the facilitator, the facilitator decodes the encrypting identifying information device by device, starting with the one broker device whose identifying

information is not encrypted. Nothing in Ebay or Arnold mentions or suggests this aspect of the present invention.

Conclusion

In view of the foregoing, Applicants submit that claims 1-54 are allowable over the cited references. Applicants respectfully request reconsideration and allowance of the claims as now presented.

Applicants' attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,
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Date

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